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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/620,848	07/16/2003	George L. Williams	10883.002	2549
7590	05/12/2004		EXAMINER REIS, TRAVIS M	
Janice Leverett 5650 Grissom Rd # 406 San Antonio, TX 78238			ART UNIT 2859	PAPER NUMBER

DATE MAILED: 05/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/620,848

Applicant(s)

WILLIAMS, GEORGE L.

Examiner

Travis M Reis

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 November 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>20031607</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the end point on the spoiler, grill, hood, and dashboard of claim 8; & the solar power cells of claim 15 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "20" has been used to designate both a head light, a light source, and a turn signal; reference character "30" has been used to designate both a switch and an indicator; reference character "22" has been used to designate both a lens and a headlight. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: 12, 30, 32, 34, 36, 18, 17, 15, & 33. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

4. The drawings are objected to because reference characters 4, 10, 24, 26, 28, 60 do not point to any specific structure. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection

to the drawings will not be held in abeyance.

5. The drawings are objected to under 37 CFR 1.83(a) because they fail to show any of the features (i.e. the light source holder, housing, cavity, lens, switch, solar cells) as described in the specification, page 8 line 21 through to page 10, line 14. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

6. The disclosure is objected to because of the following informalities:

On pages 6 & 7 on the specification, the "BRIEF DESCRIPTIONS OF THE DRAWINGS" do not accurately describe the subject matter of the drawings.

Appropriate correction is required.

Claim Objections

7. Claims 8-10, 12, 14 are objected to because of the following informalities:

In claim 8, line 2, after "location" the following text should be inserted ---from a group---, in order to be consistent with the specification and drawings; line 3, "grill, hood" should be ---a grill, a hood---.

In claim 9, line 1, "1" should be ---8---, in order to avoid lack of antecedent basis errors.

Claim 15 is objected to due to the limitation "its own light source" which appears to contradict the specification which states that the solar cells are a power source, not a light source.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

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8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claims 1, 2, 10-14, & 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Smith (U.S. Patent 3518624).

Smith discloses a vehicle direction indicator system comprising a housing (2), a light source holder fixedly attached within the housing, a light source, being a bulb (col. 2, lines 30-31) removably attached to the light source holder, a yellow or white tinted transparent front face lens (8) attached to the front of the housing, the indicator system (FORWARD, Figure 3) emitting a flashing color when the vehicle driver actuates the indicator system switch from within said vehicle (col. 2 lines 26-35), the indicator system affixed to the front facing portion of the vehicle, broadly considered to include the roof of the vehicle (Figures 1& 2) (col. 2 lines 13-15), the system (FORWARD) is adjacent to the turn signal of the vehicle (14, 16), the indicator system powered by the vehicle electrical system (col. 2, lines 15-20), the indicator system conventionally remaining on for a fixed period of time then turning off automatically (col. 2 lines 61-62), the indicator system capable of telling other drivers at a four way intersection that the signaling vehicle is about to continue in a forward direction, as opposed to a left or right direction (Figures 1-3).

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 4, 6, 8, 9 & 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith in view of Strawn (U.S. Patent 5663708).

With reference to claims 4, 8, & 9, Smith discloses all of the instant claimed invention as stated above in the rejection of claims 1, 2, 10-14, & 17 but does not disclose the system is further mounted within the front headlights of the vehicle,

Strawn discloses a vehicle indicator system located in the front end of the vehicle, (Figure 3) (col. 4 lines 18-26). Therefore, it would have been obvious to one with ordinary skill in the art at the time of the invention was made to relocate the indicator system (FORWARD) disclosed by Smith to a location in the front end of the vehicle as taught by Strawn in order that the indicator system does not cause wind-resistance and still convey a visual signal. Furthermore, changing the location of the indicator system from a location at the front end of the vehicle, as disclosed above by Smith & Strawn, to a location integral with the front headlights, is only considered to be an obvious modification of the Smith in view of Strawn system that a person having ordinary skill in the art at the time the invention was made would be able to provide using routine experimentation since the courts have held that there is no invention in shifting the position if the operation of the device would not be thereby modified. *In re Japikse*, 86 USPQ 70 (CCPA 1950). Therefore, it would have been obvious to one with ordinary skill in the art at the time of the invention was made to integrate the system disclosed by Smith & Strawn with the front headlights in order that the indicator system does not cause wind-resistance and still convey a visual signal.

With reference to claim 6, Smith discloses all of the instant claimed invention as stated above in the rejection of claims 1, 2, 10-14, & 17 but does not disclose expressly the system cannot be operated simultaneously with the turn signals of the vehicle.

Strawn discloses a turn indication lever with multiple settings, (i.e. left, right, and u)

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(40, 42, 44, 46, 48) (Figure 5) in order that the turn signals cannot be operated simultaneously with the alternate signal. Therefore, it would have been obvious to one with ordinary skill in the art at the time of the invention was made to add the multiple lever settings disclosed by Strawn to the vehicle disclosed by Smith in order that only one signal can be active at one time and not confuse viewers of the turn signals.

With reference to claim 16, Smith discloses all of the instant claimed invention as stated above in the rejection of claims 1, 2, 10-14, & 17 but does not disclose the lens is tinted green.

Strawn discloses that the signal system light is green (col. 1 lines 55-56). Therefore, it would have been obvious to one with ordinary skill in the art at the time of the invention was made to tint the forward signaling light disclosed by Smith green as taught by Strawn, since green is a more "eye-catching" color than white or yellow.

12. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Smith in view of Hembrook (U.S. Patent 4974354).

Smith discloses all of the instant claimed invention as stated above in the rejection of claims 1, 2, 10-14, & 17 but does not disclose the system is mounted within the vehicle on the left and right side of the front windshield.

Hembrook discloses a visual display device (13) which is mountable within the front windshield (Figure 9). Therefore, it would have been obvious to one with ordinary skill in the art at the time of the invention was made to relocate the system disclosed by Smith to the windshield as taught by Hembrook in order that the system does not cause wind-resistance and still convey a visual signal as taught by Hembrook.

13. Claims 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith in view of Nagel et al. (U.S. Patent 5774283).

With reference to claim 5, Smith discloses all of the instant claimed invention as stated above in the rejection of claims 1, 2, 10-14, & 17 but does not disclose the system is mounted within the rear, forward facing portion of the external rear view mirrors of said vehicle.

Nagel et al. discloses an exterior rearview mirror for vehicles, especially for motor vehicles, with a front facing signal light (10) (Figure 1). Therefore, it would have been obvious to one with ordinary skill in the art at the time of the invention was made to relocate the system disclosed by Smith to the forward facing portion of the external rear view mirrors as taught by Nagel et al. in order that the forward signal device does not cause excessive wind-resistance and still convey a signal.

14. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Smith in view of Davis (U.S. Patent 5788358).

Smith discloses all of the instant claimed invention as stated above in the rejection of claims 1, 2, 10-14, & 17, but does not disclose the system is mounted into the front facing portion of the internal rear view mirror of said vehicle.

Davis discloses a vehicle indicator system (48) removably attached to a rear view mirror (30) (Figure 1). Therefore, it would have been obvious to one with ordinary skill in the art at the time of the invention was made to relocate the system disclosed by Smith to the rear view mirror assembly as taught by Davis in order that the system does not cause wind-resistance and still convey a signal.

15. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Smith in view of Gage et al. (U.S. Patent 4890091).

Smith discloses all of the instant claimed invention as stated above in the rejection of claims 1, 2, 10-14, & 17, but does not disclose the lens incorporate solar power cells therein to act as the power source for said system during daylight hours.

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Gage et al. discloses a self contained collision avoidance light (10) with a solar cell (38) incorporated (wherein "incorporate" is defined in Webster's Dictionary as "combined into a united whole") with the lens (24) to recharge during daylight hours (Figure 2) (col. 2 lines 28-29). Therefore, it would have been obvious to one with ordinary skill in the art at the time of the invention was made to add the solar cells disclosed by Gage et al. to the lenses disclosed by Smith in order to recharge the indicator system during daylight hours.

Conclusion

16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Jacobs discloses an inertially-actuated taillight system (U.S. Patent 3748643). Campagna discloses a motion reflector (U.S. Patent 4194809). Vaughn discloses a side rear view mirror spotlight device (U.S. Patent 5892438). Kurth discloses a multi-functional side rear view mirror for a vehicle (U.S. Patent 6142656). Beasley et al. discloses a vehicle signaling system (U.S. Patent 6154126). Hayami et al. discloses a lighting device for vehicles (U.S. Patent 6293686). Sullivan et al. discloses a U-Turn signal device powered by a solar cell (U.S. Patent 4868541).

17. Any inquiry concerning this, or earlier, communications from the examiner should be directed to Travis M Reis (571) 272-2249. The examiner can normally be reached on 8--5 M--F. If attempts to reach the examiner by telephone are unsuccessful, contact the examiner's supervisor, Diego Gutierrez (571) 272-2245. The fax for the organization where this application or proceeding is assigned is (703) 872-9306 for all communications.

Travis M Reis
Examiner
Art Unit 2859



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tmr
May 5, 2004